

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 BRIAN L. FERRALL - # 160847
DAVID SILBERT - # 173128
3 MICHAEL S. KWUN - #198945
ASHOK RAMANI - # 200020
4 633 Battery Street
San Francisco, CA 94111-1809
5 Telephone: (415) 391-5400
Email: rvannest@kvn.com;
6 bferrall@kvn.com; dsilbert@kvn.com;
mkwun@kvn.com, aramani@kvn.com

SUSAN CREIGHTON, SBN 135528
SCOTT A. SHER, SBN 190053
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
Telephone: (202) 973-8800
Email: screighton@wsgr.com;
ssher@wsgr.com

7
8 JONATHAN M. JACOBSON, NY SBN 1350495
CHUL PAK (*pro hac vice*)
DAVID H. REICHENBERG (*pro hac vice*)
9 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
10 1301 Avenue Of The Americas, 40th Floor
New York, NY 10019-6022
11 Telephone: (212) 999-5800
Email: jjacobson@wsgr.com; cpak@wsgr.com;
12 dreichenberg@wsgr.com

13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.
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Case No. 5:14-cv-05344-BLF (NC)

**[PROPOSED] ORDER GRANTING
MOTION TO STRIKE LATE
CONTENTIONS**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 Having considered Arista's Motion to Motion to Strike Late Contentions or Alternatively
2 to Continue Case Schedule, together with the arguments in support thereof and opposition thereto,
3 and good cause having been shown, the Court hereby GRANTS the Motion as follows:

4 1. The Court hereby STRIKES Cisco's supplemental copyright infringement
5 contentions relating to "helpdesc" CLI command descriptions as they appear in Cisco's May 27,
6 2016 supplemental response to Interrogatory 2, Exhibits G and H thereto, Cisco's Expert Report
7 of Kevin Almeroth, and Exhibit 6 thereto. In the future, Cisco may not rely on its supplemental
8 copyright infringement contentions relating to "helpdesc" CLI command descriptions, including
9 but not limited to its discovery responses, expert reports, summary judgment briefing, or at trial.

10 2. The Court hereby STRIKES Cisco's supplemental responses to Arista's
11 Interrogatory 15 dated June 7, 2016, and June 10, 2016. Cisco may not rely on its contention that
12 the specific customer accounts disclosed in those supplemental responses constitute lost sales for
13 purposes of proving damages, including but not limited to its discovery responses, expert reports,
14 summary judgment briefing, or at trial.

15 **IT IS SO ORDERED.**

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17 Dated: _____, 2016

18 HON. JUDGE BETH LABSON FREEMAN
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